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ISAAC DENEL MEEKS

Petitioner

Case No. 10-cr-20388

v.

UNITED STATES OF AMERICA

Respondent

Judge: Linda V. Parker

MOTION FOR RELEASE
PURSUANT TO 18 U.S.C. 3582(c)(1)(A)(i)
AND SECTION 12003(b)(2) OF CARES ACT

Now comes Petitioner Isaac Denel Meeks prose with his second and proper motion seeking release for extraordinary and compelling reasons pursuant to 18 U.S.C. 3582(c)(1)(A)(i) and section 12003(b)(2) of the CARES ACT passed on March 27, 2020, As the BOP is no longer capable of properly carrying out the sentence imposed, Petitioner is housed at Lewisburg Federal Prison, Petitioner was sentenced to 181 months for Conspiracy to Distribute Controlled Substance, Firearms etc., Petitioner was sentenced on 5/21/2013 Petitioner has served just over 121 months and has a release date of 03-31-2023. His home detention date is 9-31-2022

Petitioner submits his motion due to the excessive risk of contracting Covid-19 due to staffs continuous disregards to wear mask and gloves when interacting with inmates, no sanitation being provided. On August 13 the Petitioner will be 53 years old and suffers from Hypertension and is prescribed hydrochlorothiazide, amlodipine, Lisinopril and three more medications, for other medical reasons he suffers from as well, Staff no longer administers temperature checks. See Docket No. 848, Due to severe medical complications in a disregarded prison environment, he believes a waiver of →

administrative remedies is justifiable. According to staff all Administrative remedy procedures are on hold as those department staff are out of office due to Novel pandemic. Please see Attachment provided to another inmate by Prison Unit Manager. Petitioner Respectfully states that; Even where administrative exhaustion is seemingly mandated by statute or decisional law, the requirement is not absolute. *Washington v. Barr*, 925 F.3d 1091 (8th Cir. 2019).

A Court may waive an administrative exhaustion requirement where exhaustion would be futile, where the administrative process would be incapable of granting adequate relief, or where pursuing agency review would subject the person seeking relief to undue prejudice (citing *McCarthy v. Madigan*, 503 U.S. 140, 146-48, 112 S.Ct. 1081, 117 L. Ed. 2d 291 (1992), Superseded by statute on other grounds as recognized in *Booth v. Churner*, 532 U.S. 731, 740, 121 S.Ct. 1849, 149 L. Ed. 2d 958 (2001)). "Undue delay, if it in fact results in catastrophic health consequences" can justify waving an administrative exhaustion requirement for any of those three reasons.

Page 2 Attachment

Re: 10-cr-20388

Taylor, Christopher #50211-039

I finally got a response about your BP-9 appeal. It has not been logged in yet at this time due to the COVID-19 pandemic, all regional staff are working from home and there is a back log on these items. I was not given a time frame of when it would be completed. However, all time frames have been extended due to this unforeseen issue. As I get more details I will advise you.

Unit Manager Dressler

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line and a loop.

Therefore, petitioner believes his motion is ripe for consideration for immediate release of newly and extended provisions under 18 U.S.C. 3624(c)(2)

Respectfully Submitted
Isaac D. Meeks
Isaac D Meeks
Reg. No. 44347-039
USP Lewisburg
P.O. Box 2000
Lewisburg, PA 17837

CERTIFICATE OF SERVICE

I, Isaac Denel Meeks 44347-039
Certify that I mailed this motion to
Clerk of Court:

United States District Court
Eastern District of Michigan
Office of the Clerk
231 W. Lafayette BLVD - Room 564
Detroit, Michigan 48226

On this 3 day of August, 2020 with
correct postage paid

NOTICE TO INMATE POPULATION

SUBJECT: **COVID-19 Update #1**

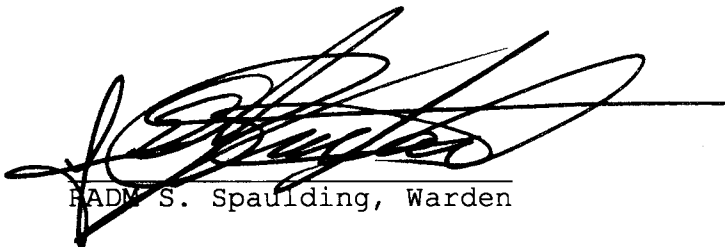
On Thursday, July 30, 2020, USP Lewisburg received its first positive, inmate COVID-19 case. Therefore, we have restricted all inmate movement and activities to mitigate any spread of the virus. All inmates will remain secured in their cells until a Shelter-In-Place Quarantine order is lifted.

The use of telephones, and commissary will be suspended. As the situation develops, returning to normal operations will begin when feasible. During this time, meals will be altered to conform to necessary precautions. All meals throughout the weekend will be pre-made meals. Adjustments are being made to provide a hot meal at noon on Monday. Every inmate will be medically screened for symptoms to include a daily temperature check. Those inmates placed in isolation status will be screened twice per day. If you develop any symptoms, you are expected to notify staff and will be administered a COVID-19 test with the Abbott Testing Machine.

Please continue to increase your sanitation and hygiene efforts in your cells. Staff have increased the sanitation efforts throughout the institution. You are also encouraged to avoid touching your face and wash your hands frequently with soap and water in accordance with Centers for Disease Control (CDC) guidance. Wear face coverings at all times.

All inmates with an upcoming release date to the Residential Reentry Center (RRC)/home confinement, will continue to undergo testing protocols previously described in the BOP Phase 8 Action Plan. As long as you complete the required quarantine period and produce a negative commercial lab test, your placement in a RRC or on home confinement will not be interrupted.

We appreciate your assistance and cooperation in this important matter.



Warden S. Spaulding, Warden

7.31.2020
Date

